



ORDER OF THE HEALTH OFFICER No. 20-13

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA GENERALLY REQUIRING MEMBERS OF THE PUBLIC AND WORKERS TO WEAR FACE COVERINGS

DATE OF ORDER: June 5, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))

Summary: Since March 2020, the County of Alameda (the “County”), its citizens, and the Bay Area have collectively worked together to reduce the spread of SARS-CoV-2, the virus that causes coronavirus disease 2019 (“COVID-19”) and that is the cause of the global pandemic. These efforts have shown enough success that the County’s Health Officer continues to allow the careful, gradual return of more business, social, and other activities. As the County adds these additional components, people will be increasingly interacting in person, creating a risk that viral transmission will increase. One of the strongest protections we, as a society, can implement as we continue to interact more in person is to increase our use of Face Coverings. Substantial scientific evidence shows that when combined with physical distancing and other health and safety practices like handwashing and regular disinfection of surfaces, wearing Face Coverings permits additional activities to be resumed in the safest possible way.

As we collectively go out into the community more, we need to have a corresponding increase in the steps we take to protect those around us. By doing so, we not only protect our fellow community members, but ultimately ourselves and our loved ones, especially those who are vulnerable due to age or health conditions. And in wearing a Face Covering around others, we show that we care for those around us. “My mask protects you, and yours protects me.” By ensuring that people generally wear Face Coverings when in public, the County is better able to continue to open businesses and resume activities in a safer manner to the benefit of all.

For these reasons, the County’s Health Officer is now revising the Face Covering Order to more generally require wearing Face Coverings when people are outside their homes. The Order also provides simpler guidance for when to wear a Face Covering as activities increase, such as when working or engaging in face-to-face transactions. The goal is to provide simple rules that we must all follow in the months to come.

In sum, going forward and for as long as this Order remains in effect as needed to address the pandemic, people must, unless an exception applies, wear a Face Covering when outside and when anyone else other than just members of their Social Bubble (as defined in Paragraph 7 of Health Officer Order No. 20-14) is within 30 feet (10 yards). They must wear a Face Covering when in the workplace except when in a private space or area

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not regularly used by others. They must wear a Face Covering when preparing food or other items for sale or distribution to people who are not members of their household or living unit. They may remove their Face Covering when eating or drinking if they are alone or with only members of their Social Bubble and nobody else is within six feet. And a person who is alone or with only members of their household or living unit, is stationary in an outdoor area such as a park or patio, and is maintaining at least six feet of distance between them and the nearest people who do not live with them does not need to wear a Face Covering so long as they have one readily accessible.

This Order includes certain exceptions. For instance, this Order does not require that any child aged 12 years or younger wear a Face Covering and requires that any child aged two years or younger not wear one because of the risk of suffocation. This Order also does not apply to people who are in their own cars alone or with members of their own household or living unit except if they operate the vehicle to transport others. And anyone who has a written exemption from a healthcare provider based on a disability, medical condition, or other condition that prevents them from wearing a Face Covering does not need to wear one.

This Order is issued in support of Health Officer Order No. 20-11 issued on June 5, 2020 (the “Stay-Safe-At-Home Order”) and any amendments to that order, as well as guidance issued by the United States Centers for Disease Control and Prevention (“CDC”), the California Department of Public Health (“CDPH”), and the Alameda County Public Health Department (“ACPHD”) regarding COVID-19, including as such guidance is amended.

The Order replaces the prior Face Covering order (Health Officer Order No. 20-08) issued on April 17, 2020. Beginning at 11:59 p.m. on June 7, 2020, all people in the County must comply with this new Order. This Order is in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. The Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order as conditions warrant to protect the public and limit the spread of the virus.

This summary is for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary and the text of this Order below, the text will control.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, 120175, AND 120220, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:

- 1. This Order will take effect at 11:59 p.m. on June 7, 2020, and will continue to be in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. Effective as of 11:59 p.m. on June 7, 2020, this Order revises and replaces Order Number 20-08, issued April 17, 2020. Any capitalized terms in this Order that are defined in the Stay-Safe-At-Home Order incorporate the definitions from that order and are automatically updated to incorporate revisions to that order without a need to update this Order.**

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2. As used in this Order, a “Face Covering” means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. A covering that hides or obscures the wearer’s eyes or forehead is not a Face Covering. Examples of Face Coverings include a scarf or bandana; a neck gaiter; a homemade covering made from a t-shirt, sweatshirt, or towel, held on with rubber bands or otherwise; or a mask, which need not be medical grade. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should be comfortable, so that the wearer can breathe through the nose and does not have to adjust it frequently, so as to avoid touching the face. For Face Coverings that are not disposed of after each use, people should clean them frequently and have extra ones available so that they have a clean one available for use. Information on cleaning a Face Covering is available from the CDC at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wash-cloth-face-coverings.html>.

For as long as medical-grade masks such as N95 masks and surgical masks are in short supply, members of the public should not purchase those masks for use as Face Coverings under this Order; those medical-grade masks should be reserved for health care providers and first responders.

Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling allows droplets to be released from the mask, putting others nearby at risk. As a result, these masks are not a Face Covering under this Order and must not be used to comply with this Order’s requirements.

A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the CDC website, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

3. Each person in the County must wear a Face Covering when outside the person’s household, living unit, or other place they reside (when “Outside the Residence”) at all times except as follows:
 - a. A person does not need to wear a Face Covering when allowed by another Health Officer order or directive not to wear a Face Covering. In such instances, the other order or directive will describe the specific conditions that permit the person not to wear a Face Covering.
 - b. A person does not need to wear a Face Covering when outdoors alone or with a member of their Social Bubble and they have a Face Covering visible and immediately ready to cover the nose and mouth (such as hanging around their neck) and nobody else (other a member of their own Social Bubble) is outdoors within 30 feet (10 yards) of them. It is recommended that people from the same household or living unit wear a Face Covering when outside, even if others are not nearby, any time others may appear without much notice. For reference, 30 feet is around the length of two cars end-to-end. When people are approaching each other and likely

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to pass in the coming seconds, they must put on their Face Coverings when they are within 30 feet. This 30-foot rule applies whether people are on the sidewalk, in a park, on a path or trail, or in any other outdoor area, and whether they are walking, running, biking, otherwise exercising, standing, or engaged in transportation such as using a motorcycle, skateboard, moped, or scooter. But the requirement to put on a Face Covering within 30 feet of others does not apply to people excepted from wearing a Face Covering under this Order due to age or medical condition or because they are eating or drinking or are stationary outside in a way that meets the requirements of Sections 3.e or 3.f below.

The 30 feet (10 yard) distance is used here to give people adequate time to put on a Face Covering before the distance closes and the people are within six feet of each other, which puts them at greater risk for transmission of the virus. As more activities are permitted, more people will be near each other without much advance warning, making wearing a Face Covering essential when people are within 30 feet.

- c. A person does not need to wear a Face Covering when wearing personal protective equipment (“PPE”) such as a medical-grade N95 mask or a similar mask that is more protective than a Face Covering, as required by (i) any workplace policy or (ii) any local, state, or federal law, regulation, or other mandatory guidance. When a person is not required to wear such PPE, they must wear a Face Covering unless otherwise exempted from this Order.
- d. A person does not need to wear a Face Covering when (i) alone or only with others from their household or living unit in any building or enclosed space, such as when at work, (ii) there is nobody else within six feet, and (iii) others, whether coworkers, customers, building staff, or members of the public, are not likely to be in the same space for more than a few minutes in the following few days. A Face Covering must be worn if the person is working or engaged in activities where others routinely are present, even if the person is alone at the time, due to the risk of contaminating surfaces that others may soon touch. By way of example and without limitation, a Face Covering must be worn if a person shares a desk or individual office with coworkers on an alternating schedule or in a space where equipment such as tools, supplies, copiers, or computers are shared. A Face Covering must also be worn by someone like a plumber, teacher, care assistant, or housecleaner who visits someone else’s house or living space to perform work, and anyone who lives there should also wear a Face Covering when near the visitor.

A Face Covering does not need to be worn in such spaces by someone who is eating or drinking so long as that person complies with Section 3.e below. A Face Covering need not be worn when a person is alone in a private office or area that is not shared and not likely to be visited by others without prior warning, but if another person enters the immediate area and is likely to remain nearby, both people must put on a Face Covering for the duration of the interaction. And anyone who is preparing food or other items for sale or distribution to others is required by Section 4.b below to wear a Face Covering at all times when preparing such food or other items, even if they are alone when doing so.

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- e. A person does not need to wear a Face Covering when (i) alone or only with members of their Social Bubble, (ii) they are eating or drinking, whether indoors or outdoors, and (iii) nobody else is within six feet. In the context of foodservice such as a restaurant, guidelines issued by the state or in a separate Health Officer order or directive must be followed and may require servers to wear a Face Covering.
 - f. A person does not need to wear a Face Covering when (i) outdoors alone or with members of their Social Bubble, (ii) they are stationary, and (iii) they are maintaining at least six feet between the edge of the area they are in and the edge of next closest person's area. By way of example, this means that when someone is sitting with only members of their Social Bubble and they are entirely within a distancing circle that is painted on the grass in a public park or on a picnic blanket that is at least six feet from the nearest picnic blanket, a Face Covering is not required to be worn while eating or drinking. But the individuals must have a Face Covering readily available, and anyone walking to or from the location must wear a Face Covering when within six feet of anyone else.
 - g. Children 12 years old or younger are not required by this Order to wear a Face Covering, and any child two years old or younger must not wear a Face Covering because of the risk of suffocation. Parents and caregivers must supervise use of Face Coverings by children to ensure safety and avoid misuse.
 - h. A person does not need to wear a Face Covering when they can show either: (1) a medical professional has provided a written exemption to the Face Covering requirement, based on the individual's medical condition, other health concern, or disability; or (2) wearing a Face Covering while working would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines. A Face Covering should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance.
 - i. A person does not need to wear a Face Covering when in a motor vehicle and either alone or exclusively with other members of the same household or living unit. But a Face Covering is required when alone in the vehicle if the vehicle is used as a taxi or for any private car service or ride-sharing vehicle as outlined in Section 4.c below.
4. Regardless of the exceptions listed above, a Face Covering is required as follows:
- a. A person must wear a Face Covering when they are required by another Health Officer order or directive to wear a Face Covering, including when the requirement of the other order or directive is more restrictive than this Order.
 - b. A person must wear a Face Covering when they are working in any space where food or other goods are handled, prepared, or packaged for sale or distribution to others. This requirement does not apply when preparing food or items for members of a person's own household or living unit.

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- c. A driver or operator of any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle must wear a Face Covering when driving, operating, standing, or sitting in such vehicle, regardless of whether anyone else is in the vehicle, due to the need to reduce the spread of respiratory droplets in the vehicle at all times. But drivers or operators of public transportation vehicles are permitted to remove a Face Covering when seated in the operator compartment of the vehicle at terminals, the vehicle is stopped, and there are no passengers onboard due to the physical separation of the operator compartment and cleaning protocols between drivers.
5. People in the County are encouraged to consider whether wearing a Face Covering in their household or living unit would protect someone else living there who is vulnerable to COVID-19. Vulnerable people include: people 60 years old and older; people with serious heart conditions, hypertension, severe obesity, diabetes, chronic lung disease, chronic kidney disease being treated by dialysis, and moderate-to-severe asthma; and those who are immunosuppressed. A full list of populations that are vulnerable to COVID-19 and which should accordingly take extra precautions is available online at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>. This determination is left to the individual, but if anyone who lives with a vulnerable person is engaged in frequent out-of-home activity under the Stay-Safe-At-Home Order, wearing a Face Covering when home may reduce the risk to the vulnerable person.
6. By way of example and without limitation, this Order requires a Face Covering when a person is Outside the Residence in all of the following circumstances unless an exception applies:
 - a. When working at, engaged in, in line at, or seeking services or goods from any Essential Business, Outdoor Business, or Additional Business;
 - b. When inside or at any location or facility engaging in Minimum Basic Operations or when seeking, receiving, or providing Essential Government Functions;
 - c. When engaged in Essential Infrastructure work;
 - d. When engaged in any Outdoor Activity or Additional Activity;
 - e. When providing or obtaining services at Healthcare Operations unless permitted by this Order or a directive not to wear a Face Covering for a limited amount of time;
 - f. When at or near a transit stop, station, or terminal and when waiting for or riding on public transportation (including without limitation any bus, BART, street car, cable car, or CalTrain) or in a paratransit vehicle, taxi, private car service, or ride-sharing vehicle; and
 - g. When in or walking through common areas such as hallways, stairways, elevators, and parking facilities.

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7. **All Essential Businesses, Outdoor Businesses, Additional Businesses, as well as entities and organizations with people engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, Outdoor Activities, Additional Activities, or Healthcare Operations, must:**
 - a. **Require their employees, contractors, owners, volunteers, gig workers, and other personnel to wear a Face Covering at the workplace and when performing work off-site at all times as required by this Order and with allowance for exceptions included in the order.**
 - b. **Take reasonable measures, such as posting signs, to remind customers, clients, visitors, and others of the requirement that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location. Essential Businesses, Outdoor Businesses, Additional Businesses, and entities or organizations that are engaged in Essential Infrastructure work, Minimum Basic Operations, Essential Government Functions, or Healthcare Operations or that facilitate Outdoor Activities or Additional Activities must take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from waiting in line or entering, must not serve that person if those efforts are unsuccessful, and seek to remove that person.**

A sample sign to be used for notifying customers can be found at the Department of Public Health website, at <https://covid-19.acgov.org/face-covering-faqs.page>.

8. **The intent of this Order is to ensure that all people when Outside the Residence in the County as permitted by the Stay-Safe-At-Home Order wear a Face Covering to reduce the likelihood that they may transmit or contract the virus that causes COVID-19. In so doing, this Order will help reduce the spread of the virus and mitigate its impact on members of the public and on the delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent.**
9. **This Order is issued based on evidence of ongoing occurrence of COVID-19 and transmission of the SARS-CoV-2 virus within the County, the Bay Area, and the United States of America and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically. Due to the outbreak of the virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the County. People can be infected with the virus and be contagious and not have any symptoms, meaning they are asymptomatic. People can also be infected and contagious 48 hours before developing symptoms, the time when they are pre-symptomatic. Many people with the SARS-CoV-2 virus also have only mild symptoms and do not realize they are infected and contagious. Asymptomatic and pre-symptomatic people and those with only mild symptoms can unintentionally infect others. Evidence shows that wearing a face covering, when combined with physical distancing of at least 6 feet and frequent hand washing, significantly reduces the risk of transmitting coronavirus when in public and engaged in activities. And because it is not always possible to maintain at least 6 feet of distance, all people must wear a Face Covering when outdoors near others or engaged in work and other activities when others are nearby or likely to touch shared**

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surfaces or use shared equipment. For clarity, although wearing a Face Covering is one tool for reducing the spread of the virus, doing so is not a substitute for staying at home, physical distancing of at least 6 feet, and frequent hand washing.

10. This Order is also issued in light of the existence, as of June 4, 2020, of 3,542 confirmed cases of infection by the virus that causes COVID-19 in the County (excluding the City of Berkeley, which has its own Public Health Department), primarily by way of community transmission, and 96 deaths. This Order is necessary to slow the rate of spread, and the Health Officer will continue to assess the quickly evolving situation and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.
11. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5; the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency; the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency; all other orders and directives issued by the Health Officer and guidance issued by the CDPH and the CDC, as each of them have been and may be amended or supplemented.
12. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
13. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order
14. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other people or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Dr. Erica Pan,
Interim Health Officer of the
County of Alameda

June 5, 2020